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| 09/311,128 | 05/13/1999 | JOOST KEMINK | PHA-23.501 | 9837 |
| 24737 7590 10/16/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510 | | | | |
| EXAMINER | | | | |
| WOOD, WILLIAM H | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/311,128

Applicant(s)

KEMINK, JOOST

Examiner

William H. Wood

Art Unit

2193

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-7,11,12 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-7,11,12 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claims 1, 3, 5-7, 11-12 and 18-20 are pending and have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, 11-12 and 18-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sato** (USPN 6,408,435) in view of **Goldstein** (USPN 5,410,326).

Claim 1

Sato discloses a method to facilitate a programming of a control device that comprises a graphics user interface, the method comprising:

enabling a determination of at least one appliance for being user controlled through the control device (*column 6, lines 40-66; figures 1 and 8*);

determining code (*figure 8; column 2, lines 5-59; column 6, lines 40-51; column 9, lines 30-44, the codes including commands and variables that cause functioning*),
wherein determining the code includes extracting a device control profile in dependence upon at least one of: location parameter representing a location of the appliance, a location parameter representing a location of the control device, a location parameter

representing a location of a user, a time parameter representing a time of day, a time parameter representing a season of the year, a user profile, and an inventory of appliances of a user (column 6, lines 40-51, "codes and carriers used for controlling electronic devices with infrared signals are different among manufacturers"; column 6, line 67 to column 7, line 1, "respective modes of operation of devices commonly to all devices regardless of manufacturers or types"; column 7, lines 6-16, "must be registered ... registration of devices ... user selects any device"; the control codes or profile is in dependence upon at least an inventory of user devices as seen from the registration of devices)

communicating the code to the control device for storage at the control device for enabling user-control of the appliance in response to a subsequent user activation of the control device (column 6, lines 40-66; figures 1 and 8),

wherein determining the code includes accessing an Internet site in dependence upon the determination of the at least one appliance (column 6, lines 40-66; figures 1 and 8).

Sato did not explicitly state "determining code for graphically representing a controllable feature of the appliance on the graphic user interface of the control device". **Goldstein** demonstrated that it was known at the time of invention to determine code for graphically representing controllable features on a graphic user interface of a control device (column 7, lines 9-32; column 3, lines 21-26). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the internet programmable control device of **Sato** with graphical interface features as found in

Goldstein's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a more flexible control device for expanded controlling ability (**Goldstein**: column 2, lines 44-51).

Claim 3

Sato and **Goldstein** disclosed the method of claim 1, wherein determining the code includes extracting a device control profile from a plurality of device control profiles (**Sato**: column 7, lines 7-13).

Claim 4

Sato and **Goldstein** disclosed the method of claim 1, wherein determining the code includes extracting a device control profile in dependence upon at least one of: a location parameter, a time parameter, and a user profile (**Sato**: column 7, lines 7-13).

Claim 5

Sato and **Goldstein** disclosed the method of claim 1, further including: communicating appliance control commands to the control device to facilitate the user-control of the appliance (**Sato**: column 6, lines 40-66).

Claim 6

Sato and **Goldstein** disclosed the method of claim 1, further including enabling an

editing of the code (**Sato**: column 6, lines 40-66; column 9, lines 30-44, broadly the codes, including commands or variables, that cause functioning are edited or changed).

Claim 7

Sato and **Goldstein** disclosed the method of claim 1, wherein the determination of at least one appliance includes providing a sequence of selection options that lead to the determination of the at least one appliance (**Sato**: column 7, lines 7-13).

Claim 18

Sato and **Goldstein** disclosed the method of Claim 1, wherein the at least one appliance comprises at least one of: a television, a CD player, a DVD player, a computer, a set-top box, a telephone, and a microwave (**Sato**: column 1, lines 5-12; column 9, lines 30-36).

Claim 20

Sato and **Goldstein** disclosed the control device of Claim 11, wherein the programmable user interface is programmed to display a plurality of icons used to control at least one of the one or more electronic devices (**Goldstein**: column 7, lines 9-32).

Claims 11-12, 19 and 21-29

The limitations of claims 11-12, 19 and 21-29 substantially correspond to the limitations of claims 1, 3-7, 18 and 20 and as such are rejected in a corresponding manner.

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 5-7, 11-12 and 18-20 have been considered but are moot in view of the new ground(s) of rejection, including improved explanation of the cited prior art.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Tuesday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis A. Bullock Jr. can be reached on (571)-272-3759. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

/William H. Wood/
William H. Wood
Primary Examiner, Art Unit 2193
October 16, 2008